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Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

JOHN MITCHELL

Plaintiff,

v.

UNITED STATES OF AMERICA, et  
al.

Defendants.

Case No. 3:05-cv-00264-JWS

**QUALIFIED NON-OPPOSITION  
TO MOTION TO AMEND**

By order at Docket 30, Plaintiff was given leave to amend his complaint to name the correct defendant to his ADEA claim. Accordingly, Plaintiff has moved to amend and lodged his proposed amended complaint at Docket 31.

Defendants do not oppose Plaintiff's motion with the understanding that Plaintiff, through the wording of paragraph 19 of the amended complaint, is not

attempting to resurrect his claim for constructive termination claim. That claim was dismissed. See Docket 20 at 2-3, 6. Otherwise, Defendants oppose addition of that cause of action as exceeding the scope of this Court's order allowing amendment of Plaintiff's complaint.

Respectfully requested this 11th day of May, 2007, in Anchorage, Alaska.

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 11, 2007,  
a copy of the foregoing **Qualified  
Non-Opposition to Motion to Amend**  
was served electronically on  
Joe P. Josephson, Esq.

s/ Richard L. Pomeroy

Mitchell v. USA, et al.  
Case No. 3:05-cv-00264-JWS